



**To the Honorable Council
City of Norfolk, Virginia**

May 13, 2014

From: John M. Keifer, Director of Public Works

Subject: Adopt Virginia Stormwater Management Program and Stormwater Design and Construction Manual.

Reviewed:

Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: Citywide

Approved:

Marcus D. Jones, City Manager

Item Number:

R-1

I. Recommendation: Adopt Ordinance

II. Applicant: City of Norfolk

III. Description

This agenda item is to amend the existing Norfolk City Code 1979 by adding a new chapter – Chapter 41.2 entitled Virginia Stormwater Management Program in order to adopt the State of Virginia's revised stormwater law and regulation. The Virginia Stormwater Management Program delegates the issuance of the Construction General Permit from the Virginia Department of Environmental Quality to the City of Norfolk and stipulates more stringent water quality and water quantity standards for development activity.

IV. Analysis

The State of Virginia adopted a revised stormwater law and regulation in 2011 that requires localities state-wide to implement a local stormwater program by July 1, 2014. Localities state-wide are required to adopt the Virginia Stormwater Management Program in accordance with §62.1-44.15:27 and the Virginia Stormwater Management Act 9VAC25-870. The ordinance adoption ensures compliance with the state law and regulations as outlined above.

V. Financial Impact

The program will be funded through a combination of Construction General Permit fees assessed to construction activity and the Storm Water Special Revenue Fund. The fees will be adopted through the budget ordinance.

VI. Environmental

There is no negative environmental impact. The new program will assist with meeting regulatory water quality improvement requirements.

VII. Community Outreach/Notification

Public notification for this agenda item was not required.

VIII. Board/Commission Action

The Department of Planning, the Department of Public Works, and the City Attorney's office has developed and reviewed this program and offer no objections. The City's Planning Commission has reviewed and approved these modifications to the storm water program.

IX. Coordination/Outreach

This ordinance has been coordinated with the Department of Planning, Department of Public Works, and the City Attorney's office.

Supporting Material from the Department of Public Works:

- Ordinance Chapter 41.2 – Virginia Stormwater Management Program
- City of Norfolk Stormwater Design and Construction Manual

4/29/14 sb
Form and Correctness Approval

By 
Office of the City Attorney

Contents Approved:

By 
DEPT. PUBLIC WORKS

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN THE NORFOLK CITY CODE BY ADDING ONE NEW CHAPTER 41.2 ENTITLED VIRGINIA STORM WATER MANAGEMENT PROGRAM **SO AS TO** ADOPT THE STORMWATER DESIGN AND CONSTRUCTION MANUAL.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Norfolk City Code, 1979, is hereby amended and reordained by adding one new chapter numbered and reading as follows:

Chapter 41.2
Virginia Storm Water Management Program

Sec. 41.2.1. Adoption of the City of Norfolk Stormwater
Design and Construction Manual.

The City of Norfolk Stormwater Design and Construction Manual, including any appendices, referenced standards, indexes and forms is hereby adopted for use in the development, design and construction of projects which impact storm water runoff. It shall be unlawful for any person to fail to comply with the requirements and regulations in this chapter and the referenced manual. A copy of the Manual shall be kept in the Department of Planning and Community Development.

Sec. 41.2-2. Violations.

Any person violating any provisions of this chapter, including the referenced manual, shall be guilty of a Class 1 misdemeanor. Each day of violation shall constitute a separate offense. In addition to any penalty imposed for each violation, a judge hearing the case may order that the violation be corrected. Each day's default in such correction shall constitute a separate offense. Criminal penalties for willful or knowing violations shall be as provided for in Virginia Code Section 62.1-44.15:48.

Sec. 41.2.-3. Enforcement.

The Director of the Department of Planning and Community Development, or his designee ("Administrator"), shall administer the regulatory program set forth in this chapter and the referenced manual.

Any law enforcement officer, fire marshal or any of his assistants, or sworn special police officer, is authorized and shall have authority to enforce all provisions of this chapter.

Sec. 41.2.-4. Right of entry.

The Administrator, or his designee, may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this chapter.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, the Administrator, or his designee, may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

Sec. 41.2.-5. Monitoring, reports, investigations, inspections, and stop work orders.

A. The Administrator or his designee (i) may undertake periodic inspections of the installation of stormwater management measures, (ii) may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management, and (iii) may conduct such investigations and perform such other actions as are necessary to carry out the provisions of this chapter.

B. If the City determines that there is a failure to comply with the permit or plan conditions, notice shall be provided to the permittee or person responsible for carrying out the permit conditions by mailing to the address specified in the permit

application, by delivery at the site of the development activities to the agent or employee supervising such activities or by posting on the property. The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued or the permit may be revoked. However, if the City finds any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without prior notice, an emergency order directing such person to cease immediately all land-disturbing activities on the site.

C. If a permittee fails to comply with a notice issued in accordance with subsection B within the time specified, the City may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Sec. 41.2-6. Information to be furnished.

The Administrator, or his designee may require every permit applicant, every permittee, or any person subject to permit requirements under this chapter to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this chapter. It shall be unlawful for any person to submit or cause to be submitted any false, fictitious, untrue or misleading statement or information in any report, document, application or written material required to be submitted.

Sec. 41.2-7. Civil penalties, injunctions and other legal actions.

In addition to the penalties set forth in 41.2-2 of this chapter, the City may also pursue civil penalties, injunctions, and other legal actions pursuant to the provisions of Virginia Code Sections 62.1-

44.15:42 and 62.1-44.15:38 for any violations of this chapter, and the referenced manual.

Section 2:- That this ordinance shall be in effect from and after July 1, 2014.